

REMARKS

The present amendment is submitted in response to the Office Action dated December 20, 2002, which set a three-month period for response, making this amendment due by March 20, 2003.

Claims 1-4 are pending in this application.

In the Office Action, the specification was objected to for various informalities. Claims 1-3 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,073,455 to Gunther. Claims 1, 2, and 4 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,839,201 to Young.

In this amendment, the specification has been amended to add appropriate headings and to delete reference to claim 1 on page 1.

To more clearly distinguish the present invention over the cited references, the Applicant has amended claim 1 to define an angle fixing with two limbs (12) that can be pivoted relative to one another, wherein the two limbs define two imaginary, intersecting planes, characterized in that the two limbs (12) are pivotable about an imaginary pivot axis relative to one another, wherein said pivot axis runs parallel to the two imaginary planes, wherein the two limbs (12) can be locked in position, and wherein the limbs have a constant, longitudinal cross sectional surface over a width of said limbs. Because claim 1 includes the features of claim 3, claim 3 has been canceled.

The Applicant respectfully submits that claim 1, as amended, defines a patentably distinct set of features neither disclosed nor suggested by the cited references.

One difference between the angle fixing and the clamp of Gunther is that the imaginary pivot axes, about which the limbs are pivotable, are displaced at 90°, compared with the present invention. The different position of the pivot axes may be more clearly seen from a comparison of the drawings of the present application with those of Gunther, rather than from a written explanation. In Gunther, the two limbs, upon pivoting, remain in a common plane, while with the present invention, the two limbs of the angle are never located in a common plane, and an angle between the two imaginary planes, in which the limbs of the angle are located, change when the limbs are pivoted.

A further difference between the present invention and Gunther is that the limbs of the angle fixing of the present invention can be locked into position. The locking takes place in the embodiment of the present invention by means of tightening of the locking screws 26. By tightening of the locking screws 26, the two limbs 12 of the angle fixing of the present invention are immovably fixed to one another and cannot be moved relative to one another. An arbitrarily large force would have to destroy the angle fixing of the present invention, before the two limbs could be moved relative to one another.

In contrast, the limbs of the clamp in Gunther are pivotable relative to one another by use of a predetermined force (column 3, lines 26-30). The limbs of the clamp in Gunther, then, cannot be fixed into a position, rather are constantly

pivotal. In addition, the limbs of the Gunther clamp are held in only three pivoting positions by the predetermined force, specifically, in the two positions shown in Figs. 3 and 4, as well as in the position pivoted to the other side, as shown in Fig. 4. A locking of the two limbs in an arbitrary angular position relative to one another is not possible in Gunther, in contrast with the present invention, as defined in amended claim 1.

In addition, it should also be noted that the limbs of the clamp in the Gunther patent have no constant or uniform longitudinal cross sectional surface over their width, as defined in amended claim 1, on account of the anticlinal bulgings 46, 48, 50, 52, 54, 56. The limbs of the clamp in Gunther are not manufacturable in a continual stripping process or a pressing method as profile rods, which is the case with the angle fixing of the present invention (page 2, lines 16-17).

The patent to Young discloses a multi-part, multi-functional tool, that is, an object that is of a different type, in which it is unclear to the Applicant in what manner the tool is to be used. A practitioner would not consult the Young patent when seeking to develop tools in which angle fixing is a concern, and therefore, the Applicant must note that this reference was not cited in the prosecution of the present application in the German or European patent process.

However, the Applicant respectfully submits that the above-described amendment to claim 1 also distinguishes more clearly the present invention over the Young patent.

For the reasons set forth above, then, the Applicant respectfully submits that amended claim 1, as well as claims 2 and 4, are patentable over the cited art. The Applicant further requests withdrawal of the rejections under 35 U.S.C. 102 and reconsideration of the application as herein amended.

In light of the foregoing arguments in support of patentability, the Applicant respectfully submits that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,


Michael J. Striker
Attorney for Applicant
Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743
631-549-4700

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